

IN THE UNITED STATES OF THE DISTRICT OF DELAWARE

FOR THE DISTRICT OF DELAWARE

**WILLIAM R. DAVIS, as executor
of the estate of James W. Davis,
Sr., deceased**

Plaintiffs,

C.A. No. 05-288 (KAJ)

V.

RAYMOND JAMES & ASSOCIATES, INC.,
a Florida corporation

Defendant, Crossclaim-Defendant,

and

CHRISTINE M. POFFENBARGER,

**Defendant, Counterclaim-
Plaintiff, Crossclaim-
Plaintiff and
Third-Party Plaintiff**

V.

**WILLIAM R. DAVIS, JAMES W. DAVIS,
JR., and LINDA M. TROUTT, and
STAR ENTERPRISE, INC. a
Delaware corporation,**

Third-Party Defendants.

AMENDED ORDER

WHEREAS, defendant, Raymond James & Associates, Inc., on its Motion for Interpleader and Dismissal under 28 U.S.C. §§ 1335, 1297, and 2361, now wishes to have certain funds transferred to and deposited with the Clerk of the Court; and

WHEREAS, the deposit of said funds with this Court is authorized by Fed. R. Civ. P. 67 and subject to Order of the Court,

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court shall accept from defendant, Raymond James & Associates, Inc., a check drawn on the account of defendant, Raymond James & Associates, Inc., and payable to the order of this Court in an amount equal to \$118,063.50.

2. Promptly upon receipt of the check representing payment of the aforesaid sum from defendant, Raymond James & Associates, Inc., the Clerk of Court shall draw a check against the defendant, Raymond James & Associates, Inc., in the aforesaid sum made payable to Wachovia Bank and deliver same to Wachovia Bank, together with a certified copy of this Order.

3. Upon receipt of said check by Wachovia Bank, it shall be deposited in an interest bearing account to be opened in the name of "Clerk of the Court of the United States District Court for the District of Delaware, Civil Action No. 05-288."

4. The Clerk of the Court shall deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, at equal to ten percent (10%) of the income earned monthly on the investment, whenever such income becomes available for deduction in the investment so held and without further Order of the Court.

5. The funds deposited with Wachovia Bank shall remain on deposit until further Order of this Court.

6. Defendant, Raymond James & Associates, Inc., shall be discharged from any further obligations relating to decedent's IRA account number 71254380 and shall be dismissed from the above-captioned action with prejudice upon payment of the funds.

7. This Amended Order is entered by the Court solely to reflect, for administrative reasons, that the actual amount of the check drawn on the account of defendant, Raymond James & Associates, Inc., and paid to the Court on October 12, 2005 was \$118,063.50, which amount reflected subsequent growth in the IRA account at issue between the date that defendant, Raymond James & Associates, Inc., filed its Motion for Interpleader and Dismissal and the date that the foregoing check was drawn and paid to the Clerk of the Court.

UNITED STATES DISTRICT JUDGE

Dated: _____

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